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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

GERALD ELMER NAPOUK, individually  
and as Co-Special Administrator of the Estate  
of LLOYD GERALD NAPOUK; MARY  
NAPOUK, individually and as Co-Special  
Administrator of the Estate of LLOYD  
GERALD NAPOUK and FREDERICK  
WAID, as Co-Special Administrator of the  
Estate of LLOYD GERALD NAPOUK,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; BUFORD KENTON;  
CAMERAN GUNN and DOES 1-10,  
inclusive,

Defendants.

Case Number:

2:20-cv-01859-JCM-BNW

**STIPULATION AND ORDER TO EXTEND DISCOVERY (SECOND REQUEST)**

Pursuant to LR 6-1 and LR 26-4, Plaintiffs, by and through their counsel of record, Peter Goldstein, Esq. of Peter Goldstein Law Corp. and Defendants, by and through their counsel of record, Craig R. Anderson, Esq. of Marquis Aurbach Coffing, hereby stipulate and request that this Court extend discovery deadlines in the above-captioned matter sixty-one (61) days, up to and including November 8, 2021. In support of this stipulation and request, the parties state as follows:

**I. PROCEDURAL HISTORY**

1. On October 5, 2020, the Plaintiffs filed their Complaint. ECF No. 1.

2. On December 10, 2020, the LVMPD Defendants filed their Answer to Plaintiffs' Complaint. ECF No. 7.

3. On January 6, 2021, this Court entered the Discovery Plan and Scheduling Order. ECF No. 10.

4. On March 16, 2021, Plaintiffs filed their First Amended Complaint. ECF No. 16.

**II. DISCOVERY COMPLETED TO DATE**

1. The parties participated in the FRCP 26 conference on December 18, 2020.

2. On January 6, 2021, the Court entered the Discovery Plan and Scheduling Order. ECF No. 10.

3. On December 18, 2020, the Plaintiffs served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

4. On January 6, 2021, the LVMPD Defendants served their Initial Disclosures of Witnesses and Documents pursuant to FRCP 26.

5. On February 24, 2021, the LVMPD Defendants served written discovery on all named Plaintiffs.

6. On March 3, 2021, the Plaintiffs served written discovery on all named Defendants.

7. On March 8, 2021, the LVMPD Defendants served their First Supplemental Disclosure of Witnesses and Documents on Plaintiffs.

8. On March 16, 2021, Plaintiffs filed their First Amended Complaint. ECF No. 16.

9. On March 29, 2021, the Plaintiffs served their First Supplemental Disclosure Statement.

10. On April 2 and 6, 2021, the LVMPD Defendants responded to Plaintiffs' discovery requests.

11. On April 8, 2021, the LVMPD Defendants served their Second Supplemental Disclosure Statement.

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1 12. On April 6, 2021, the Plaintiffs served additional written discovery on the  
2 LVMPD Defendants.

3 13. On April 14, 2021, the Plaintiffs responded to written discovery.

4 14. On April 15, 2021, the Plaintiffs served their Second Supplemental  
5 Disclosure Statement.

6 15. On April 21, 2021, the LVMPD Defendants served their Third Supplemental  
7 Disclosure Statement.

8 16. On May 24, 2021, the Plaintiffs served additional written discovery on the  
9 LVMPD Defendants.

10 17. On May 27, 2021, the LVMPD Defendants responded to Plaintiffs' discovery  
11 requests.

12 18. On May 27, 2021, the LVMPD Defendants served their Fourth Supplemental  
13 Disclosure Statement.

14 19. On June 3, 2021, the LVMPD Defendants served Plaintiffs with additional  
15 discovery requests.

16 20. On June 18 and 28, 2021, the LVMPD Defendants responded to Plaintiffs'  
17 discovery requests.

18 21. On June 23, 2021, the Plaintiffs took the deposition of Defendant Ofc. Gunn.

19 22. On June 30, 2021, the Plaintiffs took the deposition of Defendant Ofc.  
20 Kenton.

21 23. On July 14, 2021, the Plaintiffs served their Third Supplemental Disclosure  
22 Statement.

23 24. On July 29, 2021, the Plaintiffs served their Expert Disclosure.

24 25. On July 30, 2021, the LVMPD Defendants served their Expert Disclosure.

25 26. On August 11, 2021, the LVMPD Defendants took the depositions of  
26 Plaintiffs Mary Napouk and Gerald Napouk.

27 27. On August 19, 2021, the LVMPD Defendants served their Fifth  
28 Supplemental Disclosure Statement.

**III. WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

Discovery in this case is essentially complete. The only discovery that remains is: (1) both parties need to take expert depositions and (2) plaintiff has noticed Rule 30(b)(6) depositions.

The parties attempted to complete the above-discovery prior to the current discovery cut-off. However, because both experts are out-of-state, scheduling has been difficult. Also, a dispute arose regarding payment of one of the experts that took several days to resolve (which the parties were able to do without court intervention). In addition, plaintiffs' Rule 30(b)(6) notice listed numerous topics that will require a minimum of three witnesses and three separate depositions. The parties have held meet-and-confers on the scope and nature of the Rule 30(b)(6) depositions and have reached resolution.

Finally, plaintiffs' counsel and defense counsel have an unrelated case against one another that is set for trial September 5, 2021 in the Eighth Judicial District Court. Preparation and actual trial of that case makes the scheduling of the remaining depositions difficult before the September 8, 2021 cut-off.

**IV. REMAINING DISCOVERY**

1. The Plaintiffs intend to take the depositions of defendants' Rule 30(b)(6) witnesses (minimum of three deponents).

2. Both parties need to take expert depositions.

**V. EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND SCHEDULING ORDER**

LR 26-4 governs modifications of extensions of the Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than twenty-one (21) days before the expiration of the subject deadline, and comply fully with LR 26-4. The parties acknowledge that they are submitting this request less than twenty-one (21) days before the expert deadline disclosure. The parties attempted to schedule and complete the remaining discovery but just recently realized that completion would be difficult due to the experts' limited availability counsels' September 5, 2021 trial date in an unrelated matter.

Good faith exists for this delay because discovery is necessary for the parties to properly prepare for dispositive motions and trial. Therefore, the parties respectfully request that the modification of a scheduling order be granted. The following is a list of the current discovery deadlines and the parties' proposed extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Expert Disclosures Pursuant to FRCP 26(a)(2)	Passed	
Rebuttal Expert Disclosures Pursuant to FRCP 26(a)(2)	Passed	
Discovery Cut-Off	September 8, 2021	November 8, 2021
Dispositive motion deadline	October 8, 2021	December 8, 2021
Joint Pre-Trial Order	November 5, 2021	January 5, 2022 (if dispositive motions are filed the deadline for filing the joint pre-trial order will be suspended until 30 days after a decision on the dispositive motions or further court order)

This request for extension of time is not sought for any improper purpose or for purposes of delay. The parties are in constant communication with one another and are actively attempting to coordinate schedules to complete discovery. All known documents have been disclosed or are being disclosed in this case. Therefore, the parties respectfully submit that the reasons set forth above constitute compelling reasons for the discovery extension.

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1 WHEREFORE, the parties respectfully request that this court extend the discovery  
2 dates as outlined in accordance with the table above.

3 IT IS SO STIPULATED this 20<sup>th</sup> day of August, 2021.

4 MARQUIS AURBACH COFFING

PETER GOLDSTEIN LAW CORP.

5 By: s/Craig R. Anderson

By: s/Peter Goldstein

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22 Order

23 IT IS SO ORDERED

24 DATED: 3:18 pm, August 23, 2021

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26 BREND A WEKSLER  
27 UNITED STATES MAGISTRATE JUDGE  
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